

### REMARKS

Applicant respectfully requests reconsideration. Claims 1-3, 5-8, 10, 17 and 88 were previously pending in this application. By this amendment, Applicant is canceling claim 17 without prejudice or disclaimer. Claims 4, 9, 11-15, 18-87 and 89-101 have been withdrawn from consideration without prejudice or disclaimer as directed to a non-elected species. Claims 1, 2, 3, 5, 8, and 10 have been amended. New claims 102-113 have been added. As a result, claims 1-3, 5-8, 10, 88 and 102-113 are pending for examination with claim 1 being the sole independent claim. No new matter has been added.

Applicant would like to thank Examiner Matthew for his courtesies during a telephone interview with Ed Walsh, Shannon Pratt and the inventor, Forrest Phillips, on March 8, 2006. The rejections in view of both references were discussed. The substance of the discussion is incorporated into the following remarks.

#### ***Rejections Under 35 U.S.C. §102***

##### Bertrand (U.S. Patent No. 5,387,158)

In the Final Office Action dated December 8, 2005, claims 1, 2, and 17 were rejected under 35 U.S.C. §102(b) as being anticipated by Bertrand. (U.S. Patent No. 5,387,158). Applicant has amended independent claim 1 to more clearly distinguish over Bertrand. Claim 2 has been amended for clarity and claim 17 has been canceled.

As amended, independent claim 1 recites a recreation, exercise, entertainment, and sports activity slide for supporting a user, where the slide includes a base and a top surface to facilitate sliding thereon. The top surface includes a low friction, durable sheeting material, where the *low friction material is constructed and arranged for sliding thereon by a user: (a) when the top surface is dry; (b) when the top surface is wet; (c) when the top surface is in a substantially horizontal position without the assistance of gravity; and (4) when the low friction material is in an inclined position for gravity-induced sliding.*

Support for this amendment may be found at least on page 4, lines 17-26, page 8, lines 20 – page 9, line 2, page 13, line 17-page 14, line 8, page 15, lines 10-18, page 21, lines 17-25, and also in FIGS. 1, 2, 4, 9, 10, 13 and 16.

Bertrand is directed to a playground kit which may be formed into a lounge chair, a slide assembly, or a teeter assembly. When configured as a slide, Bertrand discloses a playboard 1

shaped like a slide having a central flat part 11 where the playboard is held in position by a support 35. In particular, the support 35 has releasable support attachment means for releasably coupling with the playboard in order to hold the playboard in an upright position and make it useful for a slide. (Bertrand, Col. 5, lines 15-20).

To further the prosecution of this application, Applicant has amended claim 1 in a manner which clearly distinguishes over Bertrand. In particular, Bertrand fails to teach or suggest an activity slide where the top surface of the slide includes *a low friction durable sheeting material that is constructed and arranged for sliding thereon by a user when the top surface is in a substantially horizontal position without the assistance of gravity*, as recited in amended independent claim 1. As mentioned above, Bertrand specifically recites that the slide is used in an upright position when useful for a slide. Bertrand does not teach or suggest a slide which may be used in a substantially horizontal position.

Bertrand only teaches that when the playground kit is used as a slide assembly, it is configured like a typical slide, i.e. in an inclined position where gravity induces sliding. In contrast, the low friction material of the present invention enables sliding along the slide in a substantially horizontal position. Bertrand does not teach or suggest the claimed low friction sheeting material.

For at least these reasons, claim 1 is patentable over Bertrand. Claim 2 depends from claim 1 and is patentable for at least the same reasons.

Accordingly, withdrawal of these rejections is respectfully requested.

Butsook (U.S. Patent No. 6,062,983)

Claims 1, 3, 5 and 6-8 were also rejected under 35 U.S.C. §102(b) as being anticipated by Butsook (U.S. Patent No. 6,062,983). Applicant has amended independent claim 1 to more clearly distinguish over Bertrand. Dependent claims 3, 5 and 8 have also been amended for additional clarity.

Claim 1 is discussed above.

Butsook is directed to a combination of a water slide and a pool. Butsook teaches that the water slide portion includes a sliding sheet 12 constructed of a durable plastic material that will allow a child to slide upon when wet. (Butsook, Col 3, lines 60-65).

As discussed above, as amended, independent claim 1 now recites an activity slide which includes a top surface having a low friction, durable sheeting material, where the *low friction material is constructed and arranged for sliding thereon by a user when the top surface is dry, and also when the top surface is wet.* Therefore, in amended claim 1, Applicant is clarifying that the slide recited in claim 1 includes a low friction material that enables a user to slide on the slide when the top surface is dry.

Butsook, however, fails to teach or suggest a slide which includes a low friction material that enables a user to slide on while the top surface is dry. Rather, Butsook only teaches a slide for use with a wet top surface. In the Office Action dated December 8, 2005, the Examiner stated that Butsook enables a user to traverse on the slide both when the surface is wet or dry and qualified that one could traverse on the Butsook slide in a dry state by walking on the slide. By this amendment, Applicant is clarifying that unlike Butsook, the present invention is constructed with a low friction material such that a user can slide on the top surface of the slide when the top surface is *dry*. Because Butsook only teaches a sliding sheet for use with water, Butsook fails to teach or suggest all of the limitations recited in amended claim 1.

Furthermore, in the specification, Applicant recognizes that conventional wet surface sliding devices similar to Butsook existed. In particular, the specification states that "Up to now, membranes employed for this purpose have only been used with a wet surface in order to create the necessary low friction surface characteristics promoting sliding." (page 21, lines 20-22). The present invention improves upon these devices by the incorporation of a low friction sheeting material which is constructed such that a user can slide on the top surface of the slide when the top surface is dry. As now clearly recited in claim 1, in contrast to the prior art, aspects of the present invention relate to an activity slide having a top surface which includes a low friction durable sheeting material which is constructed to enable a user to slide when the surface is both wet and dry, and also when the surface is horizontal or inclined.

For at least these reasons, claim 1 is patentable over Butsook as well. Claims 3, 5 and 6-8 all depend from claim 1 and are patentable over Butsook for at least the same reasons.

Accordingly, withdrawal of these rejections is respectfully requested.

***Rejections Under 35 U.S.C. §103***

Claim 10 was rejected under 35 U.S.C. §103(a) as being unpatentable over Butsook. Without acceding to the propriety of this rejection, claim 10 depends from independent claim 1 and is patentable for at least the same reasons set forth above.

Accordingly, the rejection of these claims should be withdrawn.

***New Claims***

Applicant has added new dependent claims 102-113 to further define aspects of the present invention. Support for these new claims may be found at least on page 5, line 8 – page 6 line 9, page 9, lines 9-17, and page 14, line 21 – page 15, line 18, and also in the parent patent, U.S. Patent No. 6,231,483 in Col 6, lines 14-63.

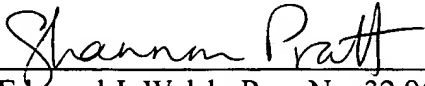
**CONCLUSION**

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance. If this communication does not place the case in condition for allowance, Applicant respectfully request an in person interview at the earliest possible convenience of the Examiner.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,

By:

  
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